

# **EXHIBIT 4**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;

OTTOMOTTO LLC; OTTO TRUCKING,

INC.,

Defendants.

\_\_\_\_\_ /

WAYMO & UBER CONFIDENTIAL ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF GREGORY KINTZ

SAN FRANCISCO, CALIFORNIA

WEDNESDAY, APRIL 26, 2017

BY: ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~

CSR LICENSE NO. 9830

JOB NO. 2592507

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1 photographs of the components of the Spider system 18:10  
2 that were laid out. 18:10

3 One of the key components in that -- well, we 18:10  
4 can start at the top, but one of the key components is 18:11  
5 the rotating housing. So the configuration of the 18:11  
6 mechanical components -- the photographs clearly show 18:11  
7 bearing structures that indicated they rotated around 18:11  
8 the central axis. 18:11

9 Q Okay. 18:11

10 (Document marked Exhibit 1054 18:11  
11 for identification.) 18:11

12 MR. KIM: So I've handed you what's been 18:11  
13 marked as Exhibit No. 1054. 18:11

14 Q Are these the photos that you are referring 18:11  
15 to? 18:11

16 A Yes. 18:11

17 Q So you never personally inspected the Spider 18:11  
18 components; correct? 18:11

19 A No. 18:11

20 Q But you were informed that they were made 18:11  
21 available for inspection; correct? 18:11

22 A Yes. 18:12

23 Q And what's described -- or you never -- have 18:12  
24 you seen any evidence of a completed Spider prototype? 18:12

25 MR. JAFFE: Objection; form. 18:12

1 a disassembled state. 18:14

2 The component right beside it, which is a 18:14

3 block with a large number of fiberoptics, is a 18:14

4 fiberoptic demultiplexing system for taking the output 18:14

5 of the eight lasers and routing them to 64 individual 18:14

6 fibers that, based on the declarations of the design 18:14

7 that was provided by Uber, has each of the fiberoptics 18:15

8 going to its own optical cavity. 18:15

9 And then finally, there is a rotary member 18:15

10 that the -- that provides the final piece of hardware. 18:15

11 There's also what appears to be a control board. 18:15

12 And then there in this photograph, we do not 18:15

13 see the optical cavity for the Spider prototype 18:15

14 device. 18:15

15 MR. KIM: Q. So what's depicted in 18:15

16 Uber00011668 that you've been describing, it's fair to 18:15

17 say that's not a functioning LiDAR device? 18:15

18 MR. JAFFE: Objection; form. 18:16

19 THE WITNESS: In its current configuration, 18:16

20 it -- it probably would not function. 18:16

21 MR. KIM: And you mentioned a housing 18:16

22 earlier. 18:16

23 Q Is the housing depicted on this photograph? 18:16

24 A I have -- I don't see that total outer 18:16

25 envelope component for the system in these components 18:16

1 '66 -- oh, and '67, are images of the optical cavity. 18:19

2 Q And from those images, were you able to 18:19

3 determine whether any of those optical cavities 18:19

4 included a transmit block? 18:19

5 A It can be most clearly seen in Uber00011656. 18:20

6 We see eight fiberoptics mounted through a plate with 18:20

7 two alignment pins and what appear to be fasteners 18:20

8 holding the plate in place. And that's on one end of 18:20

9 the metal housing. 18:20

10 And as seen in the images, for example, 18:20

11 Uber00011654, there is a lens that is acting as a 18:20

12 transmit and receive lens for this system. 18:20

13 Q And do any of these photos show a receive 18:21

14 block in the optical cavity? 18:21

15 A Yes. If we look at Uber00011644, '45, and 18:22

16 '46, this shows two boards connected together. And 18:22

17 the larger board is most likely an electrical 18:22

18 interface board of some undisclosed design to me at 18:22

19 this point in time. 18:22

20 And the avalanche photodiodes can be seen on 18:22

21 Uber00011646. They are the eight devices that you see 18:22

22 on the smaller green board, the smaller daughter 18:23

23 board. 18:23

24 And we noticed that the spacing and 18:23

25 angulation of those avalanche photodiodes also matches 18:23

1 the angulation and spacing of the fiber inputs as seen 18:23  
2 in Uber00011656. 18:23

3 Q Now, what's depicted in Uber00011644, that's 18:23  
4 not in the optical cavity; correct? 18:23

5 A If we look at image -- '644; right? 18:23

6 So if we look at the image Uber00011646, we 18:24  
7 see mounting holes around the avalanche photodiodes 18:24  
8 that appear to interface to the optical cavity as seen 18:24  
9 in image Uber00011660. 18:24

10 Q Okay. That's not my question. That's not 18:24  
11 responsive to my question. 18:24

12 My question is: What you've described in 18:24  
13 Uber00011644, that's not physically in the optical 18:24  
14 cavity that you referred to in the other slides; 18:25  
15 correct? 18:25

16 MR. JAFFE: Objection; form. Excuse me. 18:25

17 THE WITNESS: I disagree, because the 18:25  
18 interface of those avalanche photodiodes are designed 18:25  
19 to be set against the side of the optical cavity as to 18:25  
20 receive the information from the return signals. 18:25

21 MR. KIM: That's not my question. 18:25

22 Q I'm -- I'm asking you, the part that's 18:25  
23 disclosed in Uber00011644, that's sitting on what 18:25  
24 appears to be a -- a blue moving mat. 18:25

25 Do you see that? 18:25

1           A     Yes.

18:25

2 Q This piece is not currently, as at the time 18:25

3 of this picture, inside -- physically inside the 18:25

4 optical cavity; correct? 18:25

5           A    Like every other piece of this laser radar           18:25

6 during this photographic section, it's completely 18:26

7 dismantled. 18:26

8 Q Thank you. 18:26

9 So that would be, yes, it's not in the 18:26

10 optical cavity; correct? 18:26

11 MR. JAFFE: Objection; form. 18:26

12 THE WITNESS: Yes, it's not in the optical 18:26

13 cavity in these photographs. 18:26

14 MR. KIM: Q. Mr. Kintz, have you seen any 18:26

15 evidence that the components depicted in these 18:26

16     photographs we've been discussing have ever been                      18:26

17      completely assembled? 18:26

18 A Yes. In the -- I believe it was in the 18:26

19 Boehmke, but it could have been in the Haslim 18:26

20 declaration or deposition, they talk about the testing 18:26

21 of this optical cavity and not being satisfied with 18:26

22 the overall alignment of the various channels relative 18:27

23 to each other. 18:27

24 Q So your testimony is that Mr. Haslim 18:27

25 testified either in his deposition or declaration that 18:27

1 multiple components that were exhibited here at this 18:28

2 system and the fact that those were actually 18:28

3 fabricated, it would be reasonable to assume that they 18:28

4 would have assembled these two for testing purposes. 18:29

5 MR. KIM: Q. Is there any evidence that 18:29

6 you've seen that the Spider was ever manufactured into 18:29

7 a complete working LiDAR? 18:29

8 MR. JAFFE: Objection; form. 18:29

9 THE WITNESS: In a complete working system, 18:29

10 no, I'm not aware of that. 18:29

11 MR. KIM: Q. Is there any evidence that 18:29

12 you've seen that Spider was ever used as a complete 18:29

13 working LiDAR? 18:29

14 A No, I'm not aware of any evidence. 18:29

15 Q Are you aware of any evidence that Spider was 18:29

16 ever sold as a complete working LiDAR? 18:29

17 A No evidence that it was sold. 18:29

18 Q Are you aware of any evidence that Spider was 18:29

19 ever offered for sale? 18:29

20 A No evidence it was offered for sale. 18:29

21 Q Are you aware of any evidence that Spider was 18:30

22 imported into the U.S.? 18:30

23 A I have no evidence that it was imported into 18:30

24 the U.S. 18:30

25 Q Have you seen any evidence to suggest that 18:30

1     there was any development of Spider after October 2016     18:30  
2     of this year?     18:30

3             MR. JAFFE:   Objection; form.     18:30

4             THE WITNESS:   Well, in my reply declaration,     18:30  
5     I would have to go back and specifically review the     18:30  
6     timelines that were discussed in the different     18:30  
7     depositions, and most notably the Haslim and the     18:30  
8     Boehmke and the Gruver depositions to confirm any time     18:30  
9     line.     18:31

10            But, as of right now, I'm not aware of any     18:31  
11     specific actions after October.     18:31

12            MR. KIM:   Q.   Mr. Kintz, in your opening     18:31  
13     declaration, in paragraphs 65 through 70 --     18:31

14            A     (Witness complies.)     18:31

15            Q     -- you concluded that the Fuji used a common     18:31  
16     lens system; correct?     18:32

17            A     Based on the -- yes.     18:32

18            Q     And that conclusion was incorrect; correct?     18:32

19            MR. JAFFE:   Objection; form.     18:32

20            THE WITNESS:   Given the little information     18:32  
21     that I had at the time, the -- the system suggested a     18:32  
22     single lens system, but that did not turn out to be     18:32  
23     true.     18:32

24            MR. KIM:   Q.   It did more than suggest a     18:32  
25     common lens system, according to your original     18:32

1 Sorry. 18:39

2 Well, I believe my original opinions were 18:39

3 reasonable based on the information then available. 18:40

4 The newly provided information requires me to withdraw 18:40

5 my opinion that the Fuji system infringes the 18:40

6 '922 patent and the '464 patents. 18:40

7 Q So your current opinion is that Fuji does not 18:40

8 infringe the '922 and the '464 patents; correct? 18:40

9 A That is correct. 18:40

10 Q And in your declaration, you said that you 18:40

11 reviewed all of the asserted patents in this case; 18:40

12 correct? 18:40

13 A In the original declaration? 18:40

14 Q Yes. 18:40

15 A Yes. 18:40

16 Q And so aside from the '944 and '922 patents, 18:40

17 is it your opinion that Fuji does not infringe any of 18:40

18 those asserted patents? 18:40

19 MR. BAYER: You said '944? 18:40

20 MR. KIM: Q. Aside from the '922 and the 18:41

21 '464, is it your opinion that Fuji does not infringe 18:41

22 any of the other asserted patents in this case? 18:41

23 MR. JAFFE: Objection; form. 18:41

24 THE WITNESS: Can I ask what other asserted 18:41

25 patents you're referencing? 18:41

1 Do you see that? 18:46

2 A I do. 18:47

3 Q So that describes a monostatic lens 18:47

4 configuration; doesn't it? 18:47

5 MR. JAFFE: Objection; form. 18:47

6 THE WITNESS: Yes. 18:47

7 MR. KIM: Q. And that's what you referred to 18:47

8 as a common lens system in your original declaration? 18:47

9 A Yes. 18:47

10 Q So let me ask you again: Is it your opinion 18:47

11 that Fuji does not infringe the '273 patent? 18:47

12 MR. JAFFE: Objection; form. 18:47

13 THE WITNESS: In my original declaration 18:47

14 or -- 18:47

15 MR. KIM: Currently. 18:47

16 Q Based on the information you now know, Fuji 18:47

17 does not infringe the '273 patent; correct? 18:47

18 MR. JAFFE: Same objection. 18:47

19 THE WITNESS: So looking at the last clause 18:47

20 of Claim 1, I would agree with you that this is a 18:47

21 common lens system, monostatic system. 18:48

22 MR. KIM: Q. And Fuji is a bi-static system 18:48

23 that does not have a common lens; correct? 18:48

24 A That is correct. 18:48

25 Q Okay. Now turning to Exhibit No. 1056. 18:48